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PART IV

Acts of Parliament assented to by the President

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 11th March, 1950

The following Acts of Parliament received the assent of the President on the 10th March, 1950 and are hereby published for general information:—

THE JUDICIAL COMMISSIONERS' COURTS (DECLARATION AS HIGH COURTS) ACT, 1950

No. XV of 1950

An Act to declare the Judicial Commissioners' Courts in Part C States to be High Courts for certain purposes of the Constitution

Be it enacted by Parliament as follows:—

1. Short title and commencement.—(1) This Act may be called the Judicial Commissioners' Courts (Declaration as High Courts) Act, 1950.

(2) It shall be deemed to have come into force on the 26th day of January, 1950.

2. Definition.—In this Act, "article" means an article of the Constitution.

3. Declaration of certain courts as High Courts for certain purposes.—Every court in a Part C State known, at the commencement of this Act, as the Court of the Judicial Commissioner for that State (hereinafter referred to as a Judicial Commissioner's Court), is hereby declared to be a High Court for the purposes of articles 132, 133 and 134.

4. Appeals to the Supreme Court not to be barred on ground of judgment, etc., being of a single Judge.—An appeal shall lie to the Supreme Court under the provisions of article 133 from any judgment, decree or final order of a Judicial Commissioner's Court notwithstanding that such judgment, decree or final order is that of a single Judge.

5. Appeals to lie to the Supreme Court from judgment, decree, etc., whether passed or made before or after the commencement of the Act.—Subject to any rules made under article 145 or any other law as to the time within which appeals to the Supreme Court are to be entered, an appeal shall lie to that Court from a judgment, decree or final order of a Judicial Commissioner's Court under the provisions of article 132 or article 133, or from a judgment, final

order or sentence of such Court under the provisions of article 134 whether such judgment, decree, final order or sentence, as the case may be, was passed or made before or after the commencement of this Act.

6. Exceptions and modifications subject to which the provisions of Chapter V of Part VI of the Constitution apply to the Judicial Commissioners' Courts.—The provisions of Chapter V of Part VI of the Constitution shall in their application to a Judicial Commissioner's Court have effect subject to the following exceptions and modifications, namely:—

(a) the provisions of articles 216, 217, 218, 220, 221, 222, 223, 224, 230, 231 and 232 shall not apply;

(b) references in article 219, in the proviso to clause (3) of article 227 and in article 229 to the Governor shall be construed as references to the Chief Commissioner of the State in relation to which that Court exercises jurisdiction.

THE PREVENTION OF CORRUPTION (AMENDMENT) ACT, 1950

No. XVI of 1950

An Act to amend the Prevention of Corruption Act, 1947.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Prevention of Corruption (Amendment) Act, 1950.

2. Amendment of section 1, Act II of 1947.—In sub-section (3) of section 1 of the Prevention of Corruption Act, 1947, for the words "three years", the words "five years" shall be substituted.

THE DURGAH KHAWAJA SAHEB (EMERGENCY PROVISIONS) ACT, 1950

No. XVII of 1950

An Act to provide for the appointment of an interim administrator for the Durgah Khawaja Sahab, Ajmer, pending inquiry into its affairs and for certain ancillary matters.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Durgah Khawaja Sahab (Emergency Provisions) Act, 1950.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "the Act" means the Durgah Khawaja Sahab Act, 1936 (XXIII of 1936);

(b) "Chief Commissioner" means the Chief Commissioner, Ajmer;

(c) all words and expressions used herein and defined in the Act, but not hereinbefore defined, shall have the meanings respectively assigned to them in the Act.

3. Appointment of Administrator and consequences thereof.—Notwithstanding anything contained in the Act, the Central Government may, by notification in the Official Gazette, vest the administration and control of the Durgah Endowment, which are by sub-section (1) of section 4 of the Act vested in the Committee, in any person (hereinafter referred to as the Administrator), and upon such notification being issued,—

(a) the Administrator shall take the place of, and shall supersede, the Committee constituted under the Act;

(b) the Committee shall cease to have or exercise any powers of administration, control or management in respect of the Durgah Endowment under the Act;

(c) the members of all standing and special committees appointed by the Committee under the Act shall be deemed to have vacated their offices as such;

(d) the Sajjadanashin shall cease to have or exercise any rights over the lands comprised in the *jagirdar* villages of Hokran and Kishnpoor in Ajmer, whether on behalf of the Durgah Endowment or otherwise, and the administration, control or management of the said lands shall vest in the Administrator, the Sajjadanashin being paid the net income from the said lands after payment of all expenses and charges in respect thereof.

4. Power to appoint Mutawalli and Advisory Committee.—For the purpose of enabling him effectively to exercise his powers of administration, control or management of the Durgah Endowment, the Administrator may—

(a) appoint a Mutawalli and prescribe his powers and functions;

(b) determine the remuneration payable to any Mutawalli appointed under this section;

(c) appoint any Advisory Committee, consisting of such number of Muslims as the Administrator may think fit, and prescribe its powers and functions

5. Procedure for decision of disputes in certain cases.—(1) Notwithstanding anything contained in section 16 of the Act, where in the course of administration, control or management of the Durgah Endowment, a dispute arises between the Administrator on the one part and the Sajjadanashin, the Mutawalli, any Khadim and any person claiming to be the servant of the Durgah under some hereditary right, or any one or more of them, on the other part, and such dispute does not relate to any religious usage or custom or to the performance of any religious office, the dispute shall be referred to the Chief Commissioner for decision

(2) If any question arises whether a dispute is a dispute relating to any religious usage or custom or to the performance of any religious office, the question shall be decided by the Chief Commissioner.

(3) Any decision of the Chief Commissioner under this section shall be final and shall not be called in question in any court, and no suit or other proceeding shall lie in any court for the adjudication of any matter which is required by this section to be decided by the Chief Commissioner.

(4) Any suit or other proceeding pending in any court at the commencement of this Act, which relates to any dispute required under the provisions of this section to be referred to the Chief Commissioner for decision shall on such commencement be deemed to have abated.

6. Power of Administrator to solicit or receive offerings on behalf of the Durgah.—Notwithstanding any injunction issued by any court or anything contained in any law for the time being in force, it shall be lawful, and shall be deemed always to have been lawful, for the Administrator or any person appointed by him in this behalf to solicit or receive on behalf of the Durgah any *nazars* or offerings from any person, and all such *nazars* or offerings shall be deemed to be part of the Durgah Endowment for the purposes of the Act.

7. Exercise of powers, etc., by the Administrator.—Subject to the control of the Central Government, the Administrator shall exercise all the powers and discharge all the duties of the Committee under the Act in conformity with

the provisions contained therein, in so far as such provisions are not inconsistent with anything contained in this Act.

8. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Administrator or any person acting under his direction in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

9. Repeal and saving.—(1) The Durgah Khawaja Saheb (Emergency Provisions) Ordinance, 1949 (XXIV of 1949), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued, appointment or order made or decision given) in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by this Act, as if this Act were in force on the day on which such thing was done or action was taken.

THE SPECIAL CRIMINAL COURTS (JURISDICTION) ACT, 1950

No. XVIII of 1950

An Act to confer upon special criminal courts, constituted by or under certain State laws, jurisdiction to try offences against laws with respect to any of the matters enumerated in the Union List.

BE it enacted by Parliament as follows:—

1. Short title and extent.—(1) This Act may be called the Special Criminal Courts (Jurisdiction) Act, 1950

(2) It extends to the whole of India except Part B States.

2. Definition.—In this Act, "special criminal court" means any special court of criminal jurisdiction constituted by or under any law included in the Schedule

3. Jurisdiction of special criminal courts to try offences with respect to matters in the Union List.—Notwithstanding anything contained in any law for the time being in force, it shall be lawful for any special criminal court to try offences against laws with respect to any of the matters enumerated in List I in the Seventh Schedule to the Constitution, if such court is otherwise competent to try such offence under the law constituting it.

4. Power to add to Schedule.—The Central Government may, by notification in the Official Gazette, add to the Schedule any other State law providing for the trial of offences by special criminal courts, and any such addition shall take effect as if such law had been included in the Schedule by this Act.

5. Repeal of Ordinance VII of 1950.—(1) The Special Criminal Courts (Jurisdiction) Ordinance, 1950 (VII of 1950), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

THE SCHEDULE

(See section 2)

Year	No.	Short title
1947	VI	The Bombay Public Security Measures Act, 1947.
1948	LXII	The Central Provinces and Berar Public Safety Act, 1948.
1949	III	The West Bengal Special Courts Ordinance, 1949.

The following Act of Parliament received the assent of the President on the 11th March, 1950 and is hereby published for general information:—

THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) ACT, 1950
No. XIX of 1950

An Act to make provision in regard to certain offices of profit under article 102 of the Constitution.

Be it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Parliament (Prevention of Disqualification) Act, 1950.

2. Prevention of disqualification for membership of Parliament.—A person shall not be disqualified for being chosen as, and for being, a member of Parliament by reason only of the fact that he holds any of the following offices of profit under the Government of India or the Government of any State, namely, an office of a Minister of State or a Deputy Minister or a Parliamentary Secretary or a Parliamentary Under-Secretary.

K. V. K. SUNDARAM,
Secy. to the Govt. of India

